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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,724	04/02/2004	David Mottier	250365US2	9466
22850	7590	05/14/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
LAM, KENNETH T				
ART UNIT		PAPER NUMBER		
2611				
NOTIFICATION DATE		DELIVERY MODE		
05/14/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/815,724

**Applicant(s)**

MOTTIER ET AL.

**Examiner**

KENNETH LAM

**Art Unit**

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/28/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to the amendment filed on 01/28/2008. Claims 1, 3-7, and 9-12 are pending in this application and have been considered below.

### *Response to Amendment*

2. Applicant's amendments with respect to claims 1, 3, 7 and 9-10 have been considered but are moot in view of the new ground(s) of rejection. The amended claims changed the scope of the claimed invention with a more specific noise variance instead of noise parameter. Therefore, a new ground(s) of rejection is made in view of Zhao et al. (US 2005/0018641 A1) to support and further explain the rejections.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (See MPEP Ch. 2141)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

4. Claims 1 and 3-7, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agee (US 2003/0123384 A1) in view of Banerjee (US 7,286,593 B1) and Zhao et al. (Zhao herein after) (US 2005/0018641 A1).

Re Claims 1 and 7, Agee discloses a method and apparatus for transmitting data in a telecommunication system that includes at least a first transceiver (base **11**, Figure 1) and a second transceiver (remote **17**, Figure 1) linked together by means of at least one communication channel, at least one of the transceivers being mobile, the method comprising:

spreading said data over a plurality of components (spread transmit data, Figure 8); and

an equalization step of multiplying the components resulting from the spreading step by a corresponding predetermined equalization value representative of communication conditions within the communication channel (delay, Doppler preemphasis **280**, delay Doppler estimator **273**, delay, Doppler equalize **274**, Figure 9, the multiplication of spreading code after the multiplication of the equalization coefficient is functional equivalent to the multiplication of coefficient after spreading code), except detail disclosure of the equalization equations.

However, Banerjee discloses a system and method for channel estimation for determining channel weighting coefficients, wherein at least one predetermined equalization value is determined so as to account for a Doppler effect resulting from a movement of the mobile transceiver (abstract, column 6 lines 21-30), which adversely affects the communication conditions within the communication channel, wherein each

predetermined equalization value (column 7 lines 53-62) is calculated using an equation (column 8 line 20) that includes a parameter representative of a noise level in said communication channel and an additional noise variance representative of said Doppler effect (column 7 line 9 – column 8 line 49).

Therefore, it would be obvious to one skilled in the art at the time the invention was made to utilize the channel estimation as taught by Banerjee with the communication system as taught by Agee to further improve the performance of channel estimator to compensate Doppler Effect and improve SIR level.

Zhao discloses a method and an apparatus for adjusting an average interval of channel estimation dynamically based on Doppler-shift wherein each predetermined equalization value ([0018]) is calculated using an equation (Equation 4 5 6 7) that includes a parameter representative of a noise level in said communication channel and an additional noise variance representative of said Doppler effect ([0018]-[0022]).

Therefore, it would be obvious to one skilled in the art at the time the invention was made to incorporate the method as taught by Zhao with the communication system as taught by Agee to overcome the tracking of the speed of a mobile terminal.

Re Claims 3 and 9, the combined teachings discloses the method and apparatus as claimed in claim 1 and claim 7, wherein Agee teaches the communication conditions within the communication channel are modeled by means of a study of the effects of said conditions on at least one incoming signal previously received by the mobile

transceiver through said communication channel ([0119]-[0124]), except the disclosure of detail noise parameter.

However, Banerjee discloses the additional noise variance representative of said Doppler effect increases with an amount of time elapsed since said incoming signal has been received by the mobile transceiver (column 7 line 53 – column 8 line 49, column 10 lines 1-63).

Therefore, it would be obvious to one skilled in the art at the time the invention was made to utilize the channel estimation as taught by Banerjee with the communication system as taught by Agee to further improve the performance of channel estimator to compensate Doppler Effect and improve SIR level.

Zhao discloses a method and an apparatus for adjusting an average interval of channel estimation dynamically based on Doppler-shift wherein the additional noise variance representative of said Doppler effect increases with an amount of time (Equation 1) elapsed since said incoming signal has been received by the mobile transceiver ([0014]-[0022]).

Therefore, it would be obvious to one skilled in the art at the time the invention was made to incorporate the method as taught by Zhao with the communication system as taught by Agee to overcome the tracking of the speed of a mobile terminal.

Re Claims 4 and 10, the combined teachings discloses the method and apparatus as claimed in claim 1 and claim 7, wherein Agee teaches the communication conditions within the communication channel are modeled by means of a study of the

effects of said conditions on at least one incoming signal previously received by the mobile transceiver through said communication channel ([0119]-[0124]), except the disclosure of detail constant variance.

However, Banerjee discloses the additional noise variance representative of said Doppler Effect is a constant variance whose value has been averaged over a time interval between two successive incoming signals (column 7 line 53 – column 8 line 49, column 10 lines 1-63).

Therefore, it would be obvious to one skilled in the art at the time the invention was made to utilize the channel estimation as taught by Banerjee with the communication system as taught by Agee to further improve the performance of channel estimator to compensate Doppler Effect and improve SIR level.

Zhao discloses a method and an apparatus for adjusting an average interval of channel estimation dynamically based on Doppler-shift wherein the additional noise variance representative of said Doppler Effect is a constant variance whose value has been averaged over a time interval between two successive incoming signals ([0014]-[0022]).

Therefore, it would be obvious to one skilled in the art at the time the invention was made to incorporate the method as taught by Zhao with the communication system as taught by Agee to overcome the tracking of the speed of a mobile terminal.

Re Claims 5 and 11, the combined teachings discloses the method and apparatus as claimed in claim 1 and claim 7, wherein Agee teaches the equalization

step is performed by the mobile transceiver on components of a signal to be transmitted by said mobile transceiver ([0104]-[0106], Figure 9).

Re Claims 6 and 12, the combined teachings discloses the method and apparatus as claimed in claim 1 and claim 7, wherein Agee teaches the equalization step is performed by the mobile transceiver on components of a signal received by said mobile transceiver ([0104]-[0106], Figure 9).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH LAM whose telephone number is (571)270-1862. The examiner can normally be reached on Mon - Thu 7:30 am - 5:00 pm EST  
ALT Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571) 272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KENNETH LAM/  
Examiner, Art Unit 2611  
05/07/2008  
/Shuwang Liu/  
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